

# THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF  
AEP OHIO TRANSMISSION COMPANY,  
INC. FOR AN AMENDMENT TO THE  
ROUSE-BELL RIDGE 138 kV  
TRANSMISSION LINE PROJECT.

CASE NO. 19-1307-EL-BTA

## ORDER ON CERTIFICATE

Entered into the Journal on September 19, 2019

### I. SUMMARY

{¶ 1} The Ohio Power Siting Board grants the application filed by AEP Ohio Transmission Company, Inc. to amend its certificate.

### II. DISCUSSION

#### A. *Procedural History*

{¶ 2} All proceedings before the Ohio Power Siting Board (Board) are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapters 4906-1 et seq.

{¶ 3} On September 20, 2018, the Board granted the application filed by AEP Ohio Transmission Company, Inc. (AEP Ohio Transco or Applicant) for a certificate to construct a new 138 kilovolt (kV) overhead transmission line between the proposed Rouse Substation in Monroe County to the proposed Bell Ridge Substation in Washington County, Ohio. *In re AEP Ohio Transmission Company, Inc.*, Case No. 17-1908-EL-BTX (*Certificate Case*), Opinion, Order, and Certificate (September 20, 2018). The Board granted AEP Ohio Transco's application in the *Certificate Case*, pursuant to a joint stipulation filed by AEP Ohio Transco and the Board's Staff (Staff), subject to 28 conditions.

{¶ 4} On June 21, 2019, AEP Ohio Transco filed an application in the above-captioned case (*Amendment Application*) proposing fourteen changes to the route approved by the Board in the *Certificate Case*. Two of the proposed changes are engineering adjustments along the approved route, which are changes within the 100-foot right-of-way.

The 12 other route adjustments are characterized as reroutes, which are changes outside the approved 100-foot right-of-way. As a result of the proposed changes, the right-of-way area would decrease by 0.5 acres. The length of the transmission line with the adjustments would decrease from 12.7 to 12.6 miles. The proposed adjustments would not result in a change in structure design, or estimated costs as defined in the certificated application. AEP Transco represents that it has not yet commenced construction on the transmission line. (Staff Report at 1.)

{¶ 5} On August 27, 2019, AEP Ohio Transco filed proof of service of the *Amendment Application*, pursuant to Ohio Adm.Code 4906-3-11(B)(2)(b).

{¶ 6} On August 22, 2019, Staff filed a report evaluating the *Amendment Application*.

**B. Applicable Law**

{¶ 7} R.C. 4906.04, provides that the Board's authority applies to major utility facilities and requires any proposed facility to be certified by the Board before the start of construction. In accordance with R.C. Chapter 4906, the Board promulgated the rules set forth in Ohio Adm.Code Chapter 4906-3 regarding the procedural requirements for filing applications for major utility facilities and amendments to certificates.

{¶ 8} Pursuant to R.C. 4906.07, when considering an application for an amendment of a certificate, the Board "shall hold a hearing \* \* \* if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility \* \* \*." R.C. 4906.06(B) and (C), as well as Ohio Adm.Code 4906-3-11, 4906-3-06, and 4906-3-09, require the applicant to provide notice of its application for amendment to interested parties and potentially affected members of the public.

{¶ 9} AEP Ohio Transco is a corporation and, therefore, a person under R.C. 4906.01(A). Additionally, pursuant to the Board's Order in the *Certificate Case*, AEP Ohio Transco is certificated to construct, operate, and maintain a major utility facility under R.C.

4906.10. As indicated above, the Applicant provided the Board with proof of service of the *Amendment Application*.

**C. Summary of Staff Report**

**1. SHIFT WITHIN THE EXISTING RIGHT-OF-WAY (ENGINEERING ADJUSTMENTS)**

{¶ 10} Staff states that the first engineering adjustment within the 100-foot right-of-way consists of shifting the line 5 to 35 feet north from structure 34 to structure 39 in order to provide additional clearance distance from the existing distribution line so that extended distribution outages would not be necessary during construction. This shift would result in an additional 0.9 acres of tree clearing. No new property owners would be impacted by this shift. (Staff Report at 1.)

{¶ 11} The second engineering adjustment within the existing right-of-way consists of shifting the line 15 to 30 feet from structure 70 to structure 71 to avoid impacts to the property owner's driveway. No new property owners would be impacted by this shift. (Staff Report at 2.)

**2. REROUTE 1 (OUTSIDE THE EXISTING RIGHT-OF-WAY)**

{¶ 12} Reroute 1 consists of shifting structures 2 through 7 by distances ranging from 23 to 80 feet. This reroute is proposed to provide additional clearance distance from the existing distribution line so that extended distribution outages would not be necessary during construction. Structure 7 was also shifted to reduce impacts to property owner's land use. An additional 0.1 acres of tree clearing would be required for this reroute. No new property owners would be impacted by this reroute. (Staff Report at 2.)

**3. REROUTE 2 (OUTSIDE THE EXISTING RIGHT-OF-WAY)**

{¶ 13} Reroute 2 consists of shifting structures 7 through 10 by distances ranging from 5 to 105 feet. The proposed reroute is at the request of the property owner and would result in a reduction of 0.6 acres of tree clearing. No new property owners would be impacted by this reroute. (Staff Report at 2.)

**4. REROUTE 3 (OUTSIDE THE EXISTING RIGHT-OF-WAY)**

{¶ 14} Reroute 3 consists of shifting structures 10 through 14 by distances ranging from 5 to 310 feet. This reroute is intended to provide additional clearance distance from the existing distribution line so that extended distribution outages would not be necessary during construction. Additionally, this reroute would result in a reduction of 0.6 acres of tree clearing. No new property owners would be impacted by the reroute. (Staff Report at 2.)

**5. REROUTE 4 (OUTSIDE THE EXISTING RIGHT-OF-WAY)**

{¶ 15} Reroute 4 consists of shifting structures 14 through 28 by distances ranging from 5 to 85 feet. This reroute is proposed to provide additional clearance distance from the existing distribution line so that extended distribution outages would not be necessary during construction. An additional 3.8 acres of tree clearing would be required for the reroute. No new property owners would be impacted by this reroute. (Staff Report at 2.)

**6. REROUTE 5 (OUTSIDE THE EXISTING RIGHT-OF-WAY)**

{¶ 16} Reroute 5 consists of shifting structures 29 through 34 by distances ranging from 5 to 95 feet. This reroute is proposed due to a landowner request and access issues associated with environmental and safety concerns. An additional 0.2 acres of tree clearing would be required for this reroute. No new property owners would be impacted by this reroute. (Staff Report at 2.)

**7. REROUTE 6 (OUTSIDE THE EXISTING RIGHT-OF-WAY)**

{¶ 17} Reroute 6 consists of shifting structures 41 through 45 by distances ranging from 5 to 175 feet. This reroute is proposed to provide additional clearance distance from the existing distribution line so that extended distribution outages would not be necessary during construction. An additional 0.1 acres of tree clearing would be required for this reroute. No new property owners would be impacted by this reroute. (Staff Report at 2.)

**8. REROUTE 7 (OUTSIDE THE EXISTING RIGHT-OF-WAY)**

{¶ 18} Reroute 7 consists of shifting structures 49 through 56 by distances ranging from 5 to 385 feet. This proposed reroute is the result of the property owner's request. An additional 0.5 acres of tree clearing would be required for this reroute. No new property owners would be impacted by this reroute. (Staff Report at 2.)

**9. REROUTE 8 (OUTSIDE THE EXISTING RIGHT-OF-WAY)**

{¶ 19} Reroute 8 consists of shifting structures 56 through 63 by distances ranging from 5 to 385 feet. This proposed reroute is the result of the property owner's request and to avoid a gas wellhead located within the alignment. An additional 0.7 acres of tree clearing would be required for this reroute. No new property owners would be impacted by this reroute. (Staff Report at 2.)

**10. REROUTE 9 (OUTSIDE THE EXISTING RIGHT-OF-WAY)**

{¶ 20} Reroute 9 consists of shifting structures 63 through 70 by distances ranging from 5 to 92 feet. This reroute is proposed to provide additional clearance distance from the existing distribution line so that extended distribution outages would not be necessary during construction. An additional 0.6 acres of tree clearing would be required for this reroute. No new property owners would be impacted by this reroute. (Staff Report at 3.)

**11. REROUTE 10 (OUTSIDE THE EXISTING RIGHT-OF-WAY)**

{¶ 21} Reroute 10 consists of shifting structures 71 through 73 by distances ranging from 5 to 72 feet. This reroute is proposed to eliminate a transmission structure which would have been required in the original design. An additional 0.2 acres of tree clearing would be required for this reroute. No new property owners would be impacted by this reroute. (Staff Report at 3.)

**12. REROUTE 11 (OUTSIDE THE EXISTING RIGHT-OF-WAY)**

{¶ 22} Reroute 11 consists of shifting structures 73 through 76 by distances ranging from 5 to 56 feet. This reroute is proposed to provide additional clearance distance from the

existing distribution line so that extended distribution outages would not be necessary during construction. An additional 0.2 acres of tree clearing would be required for this reroute. No new property owners would be impacted by this reroute. (Staff Report at 3.)

### 13. REROUTE 12 (OUTSIDE THE EXISTING RIGHT-OF-WAY)

{¶ 23} Reroute 12 consists of shifting the route to Washington Electric Cooperative's relocated Rouse Substation. The Applicant states that one previously unaffected landowner would be impacted by this reroute. No structures would be relocated on the new parcel. However, the Applicant has obtained an overhang easement for a portion of that property that overlaps with a portion of the 100-foot right-of-way. This reroute would result in a reduction of 0.2 acres of tree clearing. (Staff Report at 3.)

### 14. SOCIAL IMPACTS

{¶ 24} In Staff's opinion, the proposed adjustments are not expected to significantly alter existing land uses, including agricultural land. With these adjustments, the total number of residences located within 100 feet of the route would decrease from two to one. The proposed adjustments would decrease the number of properties crossed from 76 to 73 properties. These alignments sections have been studied for the presence of archeological and historic impacts and the Applicant is in the process of coordinating the project with the Ohio State Historic Preservation Office. Staff finds that the adjustments, reroutes, and extensions proposed to avoid features not known at the time of the original application, as well as those made at the request of affected property owners, are reasonable. (Staff Report at 3.)

### 15. SURFACE WATERS

{¶ 25} The approved *right-of-way* contains 102 streams, including 19 perennial streams, 22 intermittent streams, and 34 ephemeral streams. The approved right-of-way contained 9,593 linear feet of streams. The proposed adjustments to the route would eliminate 20 previously approved stream crossings, all of which are ephemeral streams. The proposed adjusted route would add 10 new stream crossings, including nine ephemeral

streams and one perennial stream. The proposed adjusted route right-of-way contains 9,752 linear feet of streams. (Staff Report at 3.)

{¶ 26} The approved route right-of-way contains 10 wetlands, with 0.82 total acres of wetland within the right-of-way. The proposed adjusted route right-of-way contains 16 wetlands. This includes small portions of 10 previously uncrossed wetlands, while eliminating crossings of four previously crossed wetlands. The total acreage of wetlands within the right-of-way would remain approximately the same. All delineated wetlands are category 1 and category 2 wetlands. According to Staff, adherence to the conditions of the original certificate, as well as implementation of the storm water pollution prevention plan would minimize impacts to the surface water resources that could occur as a result of the proposed adjustments. (Staff Report at 3-4.)

#### 16. THREATENED AND ENDANGERED SPECIES

{¶ 27} According to Staff, the proposed adjustments would not result in increased impacts to listed wildlife species. Adherence to the conditions of the original certificate would minimize impacts to listed species. (Staff Report at 4.)

#### 17. STAFF-PROPOSED ADDITIONAL CONDITION

{¶ 28} In the above captioned case, while Staff recommends that the Board approve the certificate amendment proposed, it recommends that such approval should be made subject to the following new condition: The applicant shall continue to adhere to all conditions of the Opinion, Order, and Certificate in Case No. 17-1908-EL-BTX, as amended through this application. (Staff Report at 4.)

{¶ 29} Thus, upon its review, overall, Staff recommends that the Board approve the amendment to the certificate, provided that the Applicant shall continue to adhere to all conditions of the Opinion, Order, and Certificate issued in the *Certificate Case*, as well as the additional condition Staff recommends in the above-captioned case. (Staff Report at 4.)

**D. Board's Conclusion**

{¶ 30} After considering the application and the Staff Report, the Board finds that the proposed alignment changes presented in the *Amendment Application* do not result in any material increase in any environmental impact or a substantial change in the location of all or a portion of the facility approved in the *Certificate Case*. Therefore, pursuant to R.C. 4906.07, the Board finds that a hearing on the *Amendment Application* is not necessary under the circumstances presented in this case. Further, the Board finds that the proposed changes to the project do not affect our conclusion from the *Certificate Case* that the project satisfies the criteria set forth in R.C. Chapter 4906, promotes the public interest, and does not violate any important regulatory principle or practice. Therefore, the Board concludes that the *Amendment Application* should be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case*, as well as the additional condition Staff recommended in its report in the *Amendment Application* case, following the route as amended in the above-captioned case.

**E. Findings of Fact and Conclusions of Law**

{¶ 31} AEP Ohio Transco is a corporation and a person under R.C. 4906.01(A).

{¶ 32} On June 21, 2019, AEP Ohio Transco filed an application seeking an amendment to the certificate issued in the *Certificate Case*.

{¶ 33} On August 22, 2019, Staff filed its Report of Investigation containing its evaluation of the *Amendment Application*.

{¶ 34} The proposed amendment to the certificated facility does not result in a substantial change in the location of the facility or any material increase in any environmental impact; therefore, in accordance with R.C. 4906.07, an evidentiary hearing is not necessary.

{¶ 35} Based on the record, and in accordance with R.C. Chapter 4906, the *Amendment Application* should be approved, subject to the conditions set forth in the

Opinion, Order, and Certificate in the *Certificate Case*, as well as the additional condition Staff recommended in its report in the *Amendment Application* case, following the route as amended in the above-captioned case.

### III. ORDER

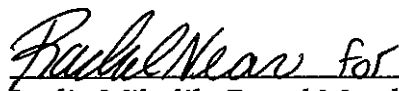
{¶ 36} It is, therefore,

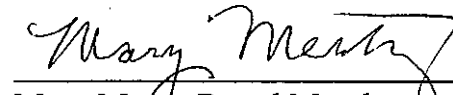
{¶ 37} ORDERED, That, in accordance with the above findings, AEP Ohio Transco's *Amendment Application* be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case*, as well as the additional condition Staff recommended in its report in the *Amendment Application* case, following the route as amended in the above-captioned case. It is, further,


{¶ 38} ORDERED, That a copy of this Order on Certificate be served upon all parties and interested persons of record.


THE OHIO POWER SITING BOARD

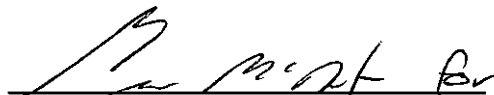
  
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 Public Utilities Commission of Ohio

  
 Lydia Mihalik, Board Member  
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 Development Services Agency

  
 Mary Mertz, Board Member  
 and Director of the Ohio  
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Tanowa Troupe  
 Secretary